



**MINUTES OF SPECIAL JOINT MEETING OF THE  
CITY COUNCIL/REDEVELOPMENT AGENCY  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, July 6, 2004, 8:00 p.m.**

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**MEETING**

The Meeting of the Special Joint City Council/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Halliday.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Jimenez,  
Halliday, Ward, Dowling, Henson  
MAYOR/CHAIR Cooper  
Absent: COUNCIL/RA MEMBER Quirk

**PUBLIC COMMENTS**

Barbara Heringer-Swarr presented a film listing on globalization to be presented at Chabot College, Room 910, on Thursdays at 6 p.m.

Jason Moreno displayed a photo of the audience during the performance of the Hayward Municipal Band at Memorial Park adjacent to the Hayward Plunge. He suggested that Council consider funding a handicapped ramp in the senior citizen area.

William Blundin submitted a card and mentioned that he would pass on his opportunity to speak.

Council Member Emeritus Rodriquez spoke against the potential recall. She felt that this recall is about decisions and behavior and not about fraud, which is an odd reason. She expressed her concerns that this process is disruptive and causes divisions that could take years to heal. It costs money, changes focuses and creates chaos. She emphasized that in less than two years, three Council Members will be up for re-election. A better way to unseat people is to find real good candidates and start campaigning early.

**BOARDS AND COMMISSIONS**

1. Confirm Appointments and Reappointments to the Various Boards and Commissions/Administer Oath of Office

Staff report submitted by City Clerk Reyes, dated July 6, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried with Council Member Quirk absent, to adopt the following:

**DRAFT**

Resolution 04-107, "Resolution Confirming the Appointment and Re-Appointment of Members to Advisory Boards and Commissions"

Mayor Cooper reported that there were a number of excellent residents interviewed, but there were a limited number of openings. She encouraged all those not appointed at this time to re-apply during the next recruitment.

City Clerk Reyes administered the Oath of Office to eight of the ten new boards and commission members.

**CONSENT**

Consent Items 3 – 7 were removed for separate vote.

2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of June 22, 2004

It was moved by Council/RA Member Dowling, seconded by Council/RA Halliday, and carried with Council/RA Member Quirk absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of June 22, 2004.

3. Industrial Parkway Southwest Project: Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated July 6, 2004, was filed.

Council Member Dowling noted that there was a .5% \$12,000 difference between the Hayward firm and the lowest bid. He asked staff if there were any preference policies for Hayward firms. City Manager Armas responded that there are policies in the purchasing arena, but not in the construction arena. The construction arena is substantially State regulated that such policies could cause the lowest bidder to take other measures.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried with Council Member Quirk absent, to adopt the following:

Resolution 04-108, "Resolution Awarding Contract to O'Grady Paving, Inc., for the Industrial Parkway Southwest Improvements Project, Project No. 5199"

4. Execution of Marketing Agreement for B Street Marketplace

Staff report submitted by Redevelopment Director Bartlett, dated July 6, 2004, was filed.



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Barbara Heringer-Swarr asked several questions related to this building's cost, outstanding debt and the selling price.

City Manager/Executive Director Armas clarified that all of the spaces in this building are leased, which is an excellent opportunity to leverage this City asset. He could not disclose the final sale price at this time. The City does not owe on the building as it borrowed from its own water and sewer utility funds.

It was moved by Council/RA Member Ward, seconded by Council/RA Member Henson, and carried with Council/RA Member Quirk absent, to adopt the following:

RA Resolution 04-08, "Resolution Authorizing the Executive Director to Enter into a Contract with BT Commercial/Shelter Bay Retail Group to Market the Agency Owned Retail Center, the B Street Marketplace, For Sale"

5. Emergency Water System Intertie Project: Approval of Plans and Specifications and Call for Bids, Approval of Addendum for Mitigated Negative Declaration, Approval of Ground Lease for Skywest Pump Station and All Related Documents

Staff report submitted by Deputy Director of Public Works Ameri, dated July 6, 2004, was filed.

Council Member Jimenez asked about the project costs, in particular inspection and construction management fees. City Manager Armas stated that the total costs associated with this project are \$16.5 million and the City's obligation is a total of \$125,000. San Francisco PUC and East Bay Municipal Utility District will be obligated to pay the inspection fees.

In response to questions from Council Members Henson and Halliday concerning the aesthetical impact of this project to the airport and Hesperian Boulevard, City Manager Armas noted that he will include an update of this project, report on the trees on the site and include a rendering in the Council's Weekly Report.

It was moved by Council Member Henson, seconded by Council Member Dowling, and carried with Council Member Quirk absent, to adopt the following:

Resolution 04-109, "Resolution Approving the Addendum to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approving the Plans and Specifications for the Water System and Intertie Project, Project No. 7090, and Call for Bids"

**DRAFT**

Resolution 04-110, "Resolution Authorizing the City Manager to Execute Various Documents Related to the Emergency Water System Intertie Project"

Resolution 04-111, "Resolution Authorizing an Amendment to the Agreement with Carollo Engineers for the Emergency Water System Intertie Project, Project No. 7090, for Additional Professional Services"

6. New Burbank Elementary School: Authorization for Professional Services Agreement with Aedis Group, Inc.

Staff report submitted by Deputy Director of Public Work Bauman, dated July 6, 2004, was filed.

Council/RA Member Ward asked staff to review this proposed school project that will be a design similar to the Delaine Eastin School in Union City. This is the second step in the process.

City Manager/Executive Director Armas reported that this is a project resulting from three separate entities working together: the City Of Hayward, Hayward Area Recreation District and Hayward Unified School District. This is a much needed amenity for this community, already severely impacted, which will be located across the street from its current location. Financing has been made available.

It was moved by Council/RA Member Ward, seconded by Council/RA Member Halliday, and carried with Council/RA Member Quirk absent, to adopt the following:

RA Resolution 04-09, "Authorizing the Executive Director to Execute an Agreement Between the City of Hayward and Aedis Group, Inc., for Professional Services for the New Burbank Elementary School"

RA Resolution 04-10, "Resolution Amending Resolution RA 04-07, as Amended, the Redevelopment Budget Resolution for Fiscal Year 2004-05 Relating to an Appropriation of Funds and Authorizing Expenditures for the New Burbank Elementary School Project"

7. Resolution Authorizing the City Manager to Execute an Agreement with the Department of Alcohol Beverage Control (ABC) to Implement a Program to Reduce Underage Drinking and Alcohol Sales to Minors

Staff report submitted by Acting Lieutenant Byrd, dated July 6, 2004, was filed.



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Council Member Dowling thanked the Police Department for its continued work with ABC and addressing the problem of underage drinking and alcohol sales to minors. He asked staff to provide a report if available that describes such information as where the problem alcohol outlets are located in the community.

Council Member Henson asked for further information on what this covers. He also asked what the penalties were when a store is caught.

Acting Police Chief Lowe noted that there are a series of penalties depending on prior violations. There are fines and subsequent suspensions of licenses for periods of time. There are training and informational sessions held quarterly at Centennial Hall for businesses to become aware of the ABC regulations. The current program utilizes college students to present the program to junior high students.

Council Member Halliday suggested that perhaps this program that collaborates with CSUH could be used in part to replace what the DARE program offered.

It was moved by Council Member Dowling, seconded by Council Member Ward, and carried with Council Member Quirk absent, to adopt the following:

Resolution 04-112, "Resolution Authorizing the City Manager to Execute an Agreement with the Department of Alcohol Beverage Control (ABC) to Implement a Program to Reduce Underage Drinking and Alcohol Sales to Minors"

## **HEARINGS**

8. Modification of Planned Development to Subdivide Anchor Store – Satish Narayan (Applicant)/Rana Ahmed (Owner) - The Property is Located at 24989 Santa Clara Avenue in the Gateway Plaza

Staff report submitted by Principal Planner Patenaude, dated July 6, 2004, was filed.

The staff report was presented by Principal Planner Patenaude. He utilized slides of the site noting the appropriate and prohibitive uses as finalized by the Commercial Center Improvement Committee. He noted both the recommended uses and prohibited uses for this anchor store. He responded to Council Member Dowling's question related to an interest from Home Town Buffet, who asked that staff exclude such.

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Council Member Henson asked whether this secondary hub focus is still attracting a major restaurant.

Council Member Ward requested that staff insure that sign standards be maintained and coordinated with what is currently there. He also expressed his concern that there needs to be a standard so to disallow minimal amounts of space or square footage.

In response to Council Member Jimenez's question regarding Condition #2, Principal Planner Patenaude stated that this is a standard condition that requires tenant improvements and provides the developer an opportunity for an extension.

Council Member Halliday asked whether a "coffee place" is precluded and asked if this was the City's intent.

Mayor Cooper opened the public hearing at 8:47 p.m.

Satish Narayan stated that he is currently working with La Chavelle Restaurant to obtain a lease. He agreed with Council's concern and stated that his signage would be consistent with the current style, attractive and conform to the current signage regulations. In regards to the size of the space, he felt that establishing a minimum space limit could be counter productive for him in securing a lease. He assured Council that he would not lease the minimum space or 100 square feet.

Council Member Dowling asked about the possibility of the Claim Jumpers Restaurant. He agreed that both this and La Chavelle would be high quality and acceptable tenants. He commented that Home Town Buffets are all over and not in the same category.

Council Member Henson was glad to hear that the focus is on a quality restaurant. He asked whether there has been consideration as to how much traffic traverses that area and how much from a market perspective could you expect to draw to such a restaurant. Council Member Henson asked if traffic studies had been done and if university traffic might be potential consumers.

Mr. Narayan responded that he has observed lots of traffic, a tremendous amount of mostly commuting traffic and he intends to make sure that the site is developed into a destination restaurant that could attract potential customers.

Mayor Cooper commented that the reputation of a quality restaurant makes a difference; people will go to ambience. She was not interested in settling for third best. Hayward deserves a good restaurant.

Council Member Dowling suggested a friendly amendment that would exclude buffet-style restaurants from the list of appropriate uses.

Lastly, Council Member Ward stated that his intent was not to restrict size, but rather to encourage the applicant to attractive users that could consume a large space, but recommended that staff



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consider his comments relating to minimal space limitation during its course of evaluation in the approval process.

Mayor Cooper closed the public hearing at 8:56 p.m.

It was moved by Council Member Henson, seconded by Council Member Dowling, and carried with Council Member Quirk absent, to introduce the following ordinance and adopt the following resolution with a friendly amendment to add buffet-style restaurants to the prohibited uses list:

Ordinance No. \_\_\_\_, "An Ordinance Modifying Planned Development District at Gateway Plaza, Pursuant to Zone Change Application No. PL 2003-0746"

Resolution 04-113, "Resolution Determining that the Project is Exempt from Review by the California Environmental Quality Act (CEQA) and Approving Modification to Planned Development District, Zone Change Application No. PL 2003-0746"

## **LEGISLATIVE BUSINESS**

### **9. Issue Bonds for the Acquisition and Rehabilitation of the Lord Tennyson Apartments**

Staff report submitted by Neighborhood and Economic Development Manager Bauman, dated July 6, 2004, was filed.

Economic Development Manager Bauman reported that in January the Council authorized an application submission to the California Debt Limit Allocation Committee for up to \$14 million dollars in tax-exempt multi-family financing for the Lord Tennyson Apartment Complex. The Volunteers of America (VOA), a national non-profit organization. At their request, the City has applied for \$10.6 million dollars in tax exempt financing. The VOA would like to improve beyond what was originally planned as it plans to own them for the next forty years. She enumerated the various amenities that will be a part of the improvements including upgrading kitchens and bathrooms, landscaping and the community room expansion that will include computer training and after school program. She described the steps involved of the bond process including that the VOA has applied for FHA mortgage insurance. She noted that this project is part of the training for new employees at the HUD office, which may slow the process.

In response to Council Member Henson's questions, Economic Development Manager Bauman stated the bonds will most likely be issued in November and that landscape improvements and new paint may be seen most likely in about a year. There may not be an increase in the rents.

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Council Member Halliday asked how much the additional bond issue would be and how many units total. Economic Development Manager Bauman responded that this would not fulfill any State required housing needs determination. There will be 249 units available for households at or below 60% median income. The additional bond issue will increase the total by \$2-3 million dollars.

Council Member Jimenez confirmed and clarified that this obligation, the \$10.6 million dollar mortgage bond, is the responsibility of the VOA and not the City of Hayward. Lastly, he thanked Economic Development Manager Bauman for her professionalism and congratulated her on her upcoming retirement.

Council Member Halliday was glad for the program that allows for increased common space to provide a tutorial area for school kids.

As there were no requests to speak, Mayor Cooper opened and closed the public hearing at 9:10 p.m.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried with Council Member Quirk absent, to introduce the following ordinance and adopt the following resolution:

Resolution 04-114, "Resolution of the City of Hayward Authorizing the Issuance, Sale and Delivery of City of Hayward Multifamily Housing Revenue Bonds (Lord Tennyson Apartments) 2004 Series A, Authorizing the Execution and Delivery of a Trust Indenture, a Loan Agreement, a Regulatory Agreement, and Official Statement, and a Purchase Contract, and Authorizing the Execution and Delivery of and Approving Other Related Documents and Approving Other Related Actions in Connection Therewith"

## **COUNCIL REPORTS**

Mayor Cooper reported on her attendance at U.S. Conference of Mayors in Boston. She noted that as this is the site of the National Democratic Convention, there is much preparation. She commented on the conversion of row houses for retail. She noted that housing prices are extremely high. The actual conference was not one of the better ones. Both John Kerry and President Bush were invited but did not attend. During her stay, there were labor difficulties with police and firefighters who had not settled contracts in over three years. Wherever the mayors met the strikers were present including at the Kennedy Library in the University of Massachusetts.

She commented on two excellent Committee Sessions. The first was on changing America's High Schools in the 21<sup>st</sup> Century. She noted that Bill and Melinda Gates have a foundation that is endowed with \$27 billion dollars. There were new ideas that were presented such as the suggestion to put a high school on a college campus. Another idea was to use high school campuses as a way for young people to know the world in which they live by providing internships and to shadow





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professionals. She noted that there is available money through this foundation to allow that to happen.

Another excellent program related to the arts was VH1, a music channel, which is very interested of the music of the performing arts. This program will give out free instruments to a school district in order to allow music to occur. The school district has to have a certified teacher of music on campus. This program will help to develop musical skills. The maximum amount of money is \$25,000 per program and must be available to all students. She hopes to work with HUSD to see this happen here. She felt these were exciting new ways for the future of our youth.

Council Member Henson also provided a report. He has been working with the National League of Cities and has chaired the Public Safety Committee. He was notified that there is a concern that the assault weapons ban is about to end on September 5<sup>th</sup>. There is a request for letters for continuing this ban as there is no plan to "hit the floor" in the House. The Senate has done its work and he lauded Senator Feinstein on her efforts as California weighed heavily. Council Member Henson will be in Washington D.C. in August to testify in this regard. It has been requested that letters from each member as well as the Mayor be forward, as there are concerns that some Councils are split on this discussion.

There was consensus to write letters and Mayor Cooper stated that both the police and fire chiefs could also write letters.

## **ADJOURNMENT**

Mayor/Chair Cooper adjourned the meeting at 9:22 p.m.

**APPROVED:**

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Roberta Cooper, Mayor, City of Hayward  
Chair, Redevelopment Agency

**ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward  
Secretary, Redevelopment Agency

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